

Yeas—Senators Baker, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Latimer, Rawson, Randle, Ruby and Tracy—13.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Finlay, Henry, King, Saylor, Sayers, Shelley, Swift, Word and Mr. President—14.

Senator Finlay moved a suspension of the rules in order that the bill might be recommitted. The motion was lost.

Senator Fountain moved that the Senate adjourn to 10 o'clock A. M. to-morrow. The motion to adjourn was carried by the following vote :

Yeas—Senators Baker, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Latimer, Rawson, Randle, Ruby, Saylor and Tracy—13.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Finlay, Henry, King, Sayers, Shelley, Swift, Word and Mr. President—13.

The Senate adjourned.

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SENATE CHAMBER,  
AUSTIN, TEXAS, February 14, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following report :

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 52, entitled "An act to carry into effect the provision of the Constitution in reference to the probate duties of district clerks."

Senate bill No. 61, entitled "An act to amend an act prescribing the mode of proceeding in district courts in matters of probate, approved November 6, 1871."

Senate bill No. 68, entitled "An act entitled an act to amend Sections 192, 217, 235, 240, 242, 250, 251, 252 and 266, of an act entitled an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870."

Having carefully examined and considered the same,



instruct me to report the same back to the Senate, and recommend the passage of the accompanying bill as a substitute for the whole subject matter.

JNO. L. HENRY, Chairman.

Senator Finlay chairman *pro tem.* of the Committee on State Affairs, submitted the following reports :

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 22, entitled "An act to alter and amend the charter of the town of Kaufman, in Kaufman county," having considered the same, I am instructed to report it back to the Senate and recommend its passage with the following amendments:

Amend the caption so as to read as follows: "An act to incorporate the town of Kaufman, in Kaufman county."

Amend by striking out section thirteen.

Amend section seventeen by striking out the words "and also the power to levy and collect a poll tax of one dollar each on all male persons of said corporation over the age of twenty-one years, and under the age of fifty-five years."

GEO. P. FINLAY, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 62, entitled "An act to incorporate the Tyler Real Estate and Building Association," have carefully considered the same, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GEO. P. FINLAY, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 98, entitled "An act to incorporate the town of Weatherford," have carefully considered the same, and I am instructed to report it back to the Senate with the following amendments, and recommend its passage:

Amend section six by striking out the words "that the mayor shall have power to administer oaths and certify the same, and take proof and the acknowledgment of the execution of deeds and other writings in like manner as justices of the peace may do, which shall be as legal and



effective as if done by a justice of the peace, within the limits of said corporation."

Amend by striking out section seven.

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 74, entitled "An act to incorporate the city of Lampasas, in the county of Lampasas," have carefully considered the same, and I am instructed to report it back to the Senate, and recommend its passage with the following amendments:

Amend section four, after the words "within said corporation," by inserting the words "not to exceed one per centum per annum."

Amend section five, after the words "minutes of the corporation," by inserting the words "by the mayor and a majority of the board of aldermen."

Amend section nine, after the words "preceding any election," by striking out the words "and who is the owner of real estate within said corporation."

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 54, entitled "An act to incorporate the Hibernian Benevolent and Mutual Aid Association of Austin, Texas," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 18, entitled "An act to incorporate the city of Austin," having maturely considered the same, I am instructed to report it back to the Senate with the following amendments and recommend its passage:

Amend article second, section one, by striking out the words "including parks, squares, streets and alleys," after the words "within said city."

Amend same article and section, after the words "benefit of the city," by striking out the words "and may do all other acts as natural persons."

Amend article six, section twenty, after the words "in any part of the city," by striking out the words "and to provide for the suppression and removal of wooden



buildings, when in the judgment of the city council such wooden buildings are dangerous to adjacent buildings; *provided*, the city council shall pay the owners the fair value thereof, to be ascertained in such manner as may be prescribed by ordinance."

Amend article six, section twenty-two, after the words "one or more officers at reasonable times to," by striking out the words "enter into," and inserting the word "examine;" and after the words "of every description," by striking out the words "for examination."

Amend same article by striking out section twenty-three.

Amend same article by striking out section thirty-seven.

Amend article ten, section one, after the words "in all criminal cases," by striking out the words "and in all civil cases when the person sued resides, at the time of beginning the suit, within the city limits;" and after the words "under the general laws of the State," by striking out the words "and in civil cases the mayor shall have power to issue the same process as justices of the peace, and the same shall be executed in the same manner as if issued by a justice of the peace of Travis county."

Amend article twelve, section one, after the words "keep the same clean," by striking out the words "and if necessary thereto to compel him or them to pay the same."

GEO. P. FINLAY, Chairman *pro tem*.

Senator Ball introduced a bill, entitled "An act to provide for the change of venue in civil cases in the district courts of the State." Read first time and referred to Judiciary Committee No. 1.

Senator Ford introduced a bill, to be entitled "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company." Read first time and referred to the Committee on Internal Improvements.

Senator Randle introduced a bill, entitled "An act for the relief of Daniel Donoho, deceased." Read first time and referred to the Committee on Private Land Claims.

Senator Ruby introduced a joint resolution, "To insert a new section in Article 12 of the Constitution." Read first time and referred to the Committee on Constitutional Amendments.



The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, February 13, 1873. }

*To the Honorable Senate of the State of Texas:*

GENTLEMEN: I have to request of your honorable body to withdraw the names of Frank O. Seth and William Spears, sent you for confirmation as notaries public for Harrison county on the twenty-first ult.

Respectfully,

EDMUND J. DAVIS, Governor.

On motion of Senator Baker, the request was complied with

Senator Dohoney offered the following resolution, which was read and adopted:

*Resolved*, That the President of the Senate appoint a select committee of ten Senators, to consider the propriety of reducing the number of judicial districts in the State, and of regulating the same, and that said committee report to the Senate by bill or otherwise.

A message was received from the House informing the Senate that the House had passed the following House bills, to-wit:

House bill No. 8, "An act to incorporate the city of Sulphur Springs, in the county of Hopkins."

House bill No. 185, "An act defining the duties of the Comptroller."

House bill No. 186, "An act to incorporate the town of Gainesville, in Cooke county."

Also, Senate joint resolution No. 11, "Authorizing the Comptroller and Treasurer each to employ two additional clerks."

House bill No. 14, to be entitled "An act to repeal section five of an act entitled an act to organize and maintain a system of public free schools in the State of Texas, approved April 24, 1871," was taken up.

Senator Gaines moved a call of the Senate. Call sustained.

Absent, not excused—Senators Hall and Saylor.

The Senate being full on the appearance of Senators Hall and Saylor, the call was suspended.

Senator Sayers offered the following amendment: Insert after the word "subject" in section three, "*provided*, that this act shall not affect those who have failed to pay



the tax levied for building school houses and maintaining schools for the year 1871."

The amendment was adopted by the following vote:

Yeas—Senators Avinger, Baker, Cole, Dohoney, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift and Tracy—20.

Nays—Senators Ball, Dillard, Finlay, Latimer, Word and Mr. President—6.

Senator Baker moved to strike out section three.

The motion was lost by the following vote:

Yeas—Senators Baker, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby, Saylor and Tracy—12.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Finlay, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—14.

Senator Cole moved to recommit the bill to the Committee on Education.

Senator Ruby offered the following substitute for the motion offered by Senator Cole, viz.: That the bill be re-committed to the Committee on Education, with suggestions to report upon amendments to the present school law relative to the election or appointment of school directors in the several counties, the power of said directors in the levy of taxes in the support of public schools and their direction and management, together with a uniform rate of taxation in each county for the continuance of the present school system, and the remodeling of the several districts of the State wherein supervisors of education are now appointed and contracted, with authority to amend by enlargement or restriction of the powers and duties of said supervisors.

The Senate refused to adopt the substitute by the following vote:

Yeas—Senators Baker, Ford, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby, Saylor and Tracy—11.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Finlay, Flanagan, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—15.

The motion offered by Senator Cole to recommit was then adopted.

Senator Shelley offered the following resolution:

*Resolved*, That witnesses who have been, or may be re-



quired to appear and give testimony before any committee, Senate, or joint committee of the two houses, shall be entitled to and receive compensation therefor at the rate of two dollars per day for each days attendance as such witness, and twelve and a half cents per mile for coming to and returning from the capital, to be computed by the nearest traveled route; that said compensation shall be paid out of a special appropriation therefor, hereafter to be made, upon the warrant of the Comptroller, which shall be issued upon the statement of the witnesses, respectively, verified by affidavit and approved by the chairman of the committee before whom said witnesses may have been called to testify.

Senator Cole moved to amend by striking out "two dollars," and inserting "three dollars." Carried.

The resolution as amended was adopted.

Senator Sayers, chairman of the Committee on Engrossed Bills, made the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined the following bills, and find them correctly engrossed, viz.:

Senate bill No. 92, "An act to provide for the enrollment, organization and discipline of the militia."

Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railway Company."

J. D. SAYERS, Chairman.

On motion of Senator Flanagan, the rules were suspended in order to take up House bill No. 187, "An act to amend section seven of an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870." The bill was read first time; the rules suspended, read second time; rules further suspended, read third time and passed.

Senator Cole, chairman of Committee on Private Land Claims, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 82, entitled "An act for the relief of John S. Meniffee," have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass.

D. W. COLE, Chairman.

On motion of Senator Latimer, the rules were suspended



in order to take up House bill No. 186, "An act to incorporate the town of Gainesville, in Cooke county." The bill was read first time; rules suspended, read second time; rules further suspended, read third time and passed.

On motion of Senator Latimer, the Senate adjourned to 10 o'clock A. M. to-morrow.

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SENATE CHAMBER,  
AUSTIN, TEXAS, February 15, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator Sayers presented the memorial of the police court of Austin county against the formation of a new county out of the territory of Austin county. Read and referred to the Committee on Counties and County Boundaries.

Senator Finlay presented the memorial of G. D. Gay, protesting against the removal of the county site from Montgomery. Referred to the Committee on Counties and County Boundaries.

Senator Swift, chairman of the Committee on Claims and Accounts, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Claims and Accounts, to whom was referred Senate bill No. 95, entitled "An act for the relief of Luke G. Lea," beg leave to report that they have carefully and diligently inquired into the merits of said claims, upon which said act is based, and unanimously recommend that it do pass.

W. H. SWIFT, Chairman.

Senator Latimer, chairman of the Committee on Enrolled Bills, made the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Enrolled Bills have the honor to report that they have carefully examined Senate joint resolution No. 11, entitled "Joint resolution authorizing the Comptroller and Treasurer each to employ two additional clerks," and find it correctly enrolled.

H. R. LATIMER, Chairman.

Senator Word introduced a bill to be entitled "An act